



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB - 8 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Cheryl D. Cabbil
UCOR Environmental, Safety, Health
and Quality Assurance Manager
URS/CH2M Oak Ridge LLC (UCOR)
P.O. Box 4699
Oak Ridge, Tennessee 37831

Re: CERCLA Off-site Rule: Notice of Unacceptability for
East Tennessee Technology Park's K-25 TSCA Incinerator
EPA I.D. Number TN0 890 009 004

Dear Ms. Cabbil:

This letter is to notify you that the U.S. Environmental Protection Agency acknowledges receipt of your letter, dated September 13, 2012, requesting that the EPA withdraw its Notice of Acceptability, issued on December 16, 1994, for the East Tennessee Technology Park's K-25 TSCA Incinerator located in Oak Ridge, Roane County, Tennessee. This Notice of Acceptability rendered the K-25 TSCA Incinerator acceptable for the receipt of off-site waste generated as a result of removal or remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq.

On September 22, 1993, the EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, by adding Section 300.440, now known as the Off-Site Rule. The Rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), 42 U.S.C. § 9621(d)(3). The Off-Site Rule establishes criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. Included within these procedures is a process for facilities to seek reconsideration of a determination of unacceptability. See 40 C.F.R. § 300.440(d). A copy of the Off-Site Rule is enclosed for your reference.

Your September 13, 2012, letter states that the above-referenced incinerator is no longer operable and is therefore no longer accepting wastes for treatment. As a result, the EPA will remove the East Tennessee Technology Park's K-25 TSCA Incinerator from the universe of acceptable facilities under the CERCLA Off-Site Rule. The unacceptability of the facility becomes effective immediately upon your receipt of this notice. The facility will remain unacceptable until such time as the EPA notifies the owner/operator otherwise. Please refer to 40 C.F.R. § 300.440(d) for information regarding the facility's ability to request an informal conference or to submit written comments regarding this Notice of Unacceptability.



UCOR
URS | CH2M
Oak Ridge LLC

P.O. Box 4699 ♦ Oak Ridge, TN 37831

DOE Contract No. DE-SC-0004645
ETO-12-0053
September 13, 2012

RCVD 13 SEP 2012

Ms. Paula A. Whiting
R4 CERCLA Off-Site Contact
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency - Region IV
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303

Dear Ms. Whiting:

DE-SC-0004645: Request to Withdraw the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Off-Site Notice of Acceptability for the East Tennessee Technology Park's Toxic Substances Control Act (TSCA) Incinerator (U.S. Environmental Protection Agency (EPA) Identification Number TN0 890 090 004)

As requested in your e-mail dated September 3, 2012, the purpose of this letter is to request the withdrawal of the CERCLA Off-Site Notice of Acceptability pursuant to 40 CFR 300.400(d) for the East Tennessee Technology Park's TSCA Incinerator. The approval to receive off-site CERCLA wastes for treatment is no longer required because:

- The TSCA Incinerator is physically closed, inoperable, and is no longer accepting any waste for treatment.
- A Facility Closure Certification Report has been submitted to the Tennessee Division of Solid Waste Management and EPA Region IV.
- The EPA has terminated the Polychlorinated Biphenyls (PCB) Disposal Approval for the TSCA Incinerator.

Therefore, URS | CH2M Oak Ridge LLC (UCOR), the current U.S. Department of Energy contractor and facility operator for the TSCA Incinerator, requests that EPA withdraw the CERCLA off-site notice of acceptability issued by Region IV in the attached letter dated December 16, 1994.

If you have any questions or require additional information, please contact Tony Poole at (865) 241-3591.

Sincerely,

Cheryl D. Cabbil
UCOR Environment, Safety, Health
and Quality Assurance Manager

CDC:DAP:ems

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

DEC 16 1994

LOW

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe LaGrone
U.S. Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8541

TSCA

Mr. Gordon G. Fee, President
Martin Marietta Energy Systems
Post Office Box E 2003
Oak Ridge Reservation
Oak Ridge, Tennessee 37831

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of
Acceptability for K-25 Incinerator, Oak Ridge, Tennessee

Dear Messrs. LaGrone and Fee:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the U.S. Department of Energy K-25 Incinerator (K-25), Oak Ridge, Tennessee, EPA I.D. No. TNO 890 090 004. Pursuant to 40 C.F.R. Section 300.440(a)(4), EPA has completed an initial assessment of K-25, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987 OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.



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JUN 14 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Susan M. Cange
Acting Manager
Oak Ridge Office of Environmental Management
U. S. Department of Energy, EM-90
P. O. Box 2001
Oak Ridge, Tennessee 37830

Dear Ms. Cange:

The U. S. Environmental Protection Agency has reviewed the *Closure Certification Report for the TSCA Incinerator, East Tennessee Technology Park, Oak Ridge, Tennessee* (CCR), submitted by the U.S. Department of Energy (DOE) to the EPA via certified mail on June 10, 2011. Based on the information contained in the CCR and a visual inspection of the incinerator on October 27, 2011, the EPA finds that closure of the facility pursuant to Condition 18 of the March 20, 1989, *Approval to Dispose of Polychlorinated Biphenyls (PCBs)* (PCB Disposal Approval) has been satisfactorily accomplished.

Because a limited number of areas at the facility remain contaminated with PCBs and could not be decontaminated to unrestricted use standards, the DOE submitted a PCB institutional control plan (ICP), dated April 30, 2012, to the EPA. The ICP outlines the specific areas to be monitored and the required controls that will allow continued, low occupancy use of the facility during the surveillance and maintenance period. The EPA understands that final remediation of the remaining PCB contamination at the Toxic Substances Control Act (TSCA) incinerator will be addressed during facility demolition and memorialized in a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Record of Decision, under the *Federal Facility Agreement for the Oak Ridge Reservation*.

Based on the information contained in the CCR, the ICP and our visual inspection of the closed facility, the EPA hereby terminates the PCB Disposal Approval for the DOE East Tennessee Technology Park TSCA incinerator. As a means of ensuring that institutional controls are maintained, the ICP was formally incorporated into revision five of the Oak Ridge Reservation Polychlorinated Biphenyl Federal Facility Compliance Agreement (ORR-PCB-FFCA), on May 31, 2012. As required by that modification, we look forward to receiving updates on the status of the incinerator demolition schedule and efforts made to implement the ICP, during the annual ORR-PCB-FFCA meetings.

12 JUN 20 12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

DEC 16 1994

YELLOW

4WD-RCRA

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RETURN RECEIPT REQUESTED

TSCA

Mr. Joe LaGrone
U.S. Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8541

Mr. Gordon G. Fee, President
Martin Marietta Energy Systems
Post Office Box E 2003
Oak Ridge Reservation
Oak Ridge, Tennessee 37831

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of
Acceptability for K-25 Incinerator, Oak Ridge, Tennessee

Dear Messrs. LaGrone and Fee:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the U.S. Department of Energy K-25 Incinerator (K-25), Oak Ridge, Tennessee, EPA I.D. No. TNO 890 090 004. Pursuant to 40 C.F.R. Section 300.440(a)(4), EPA has completed an initial assessment of K-25, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987 OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

On September 12, 1994, the Tennessee Department of Environment and Conservation (TDEC) conducted a Compliance Evaluation Inspection (CEI) of K-25, to determine K-25's compliance with Resource Conservation and Recovery Act (RCRA) and other applicable environmental standards. The results from the September 12, 1994, CEI, indicate that K-25 is currently in compliance with RCRA, and other applicable environmental standards. Therefore, effective upon receipt of this letter K-25 is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, the Agency reserves the right to revisit this decision. By issuing this notice, EPA is in no way authorizing K-25 to undertake any waste management practice at the facility for which K-25 has not been previously authorized by TDEC or EPA.

If you have any questions concerning this matter, please contact Edmond J. Burks, Regional Off-Site Contact, Region 4, at (404) 347-7603.

Sincerely yours,

James S. Rutzman for
Joseph R. Franzmathes
Director
Waste Management Division

Enclosure
Off-Site Rule

cc: Tom Tiesler, Director,
Division of Solid Waste Management, TDEC
Robert Nakomoto, Division of Solid Waste Management, TDEC
Mike Mobley, Radiological Health Program, TDEC
Jim Reaves, Division of Air Pollution Control, TDEC
Mike Travaglini, K-25
Robert Sleeman, K-25
cc w/o enclosure:
David Eberly, Office of Solid Waste, EPA-HQ (5303W)
Region 1-10, Off-site Coordinators